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Strengthening the rule of law

Report of the Secretary-General**

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* A/55/150.

** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 20 July 2000 so as to include as much updated information as possible.

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I. Introduction

1. In its resolution 53/142 of 9 December 1998, the General Assembly, bearing in mind that the Office of the United Nations High Commissioner for Human Rights remained the focal point for coordinating system-wide attention to human rights, democracy and the rule of law, welcomed the deepening of the ongoing cooperation between the Office of the High Commissioner and other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law and, in that context, took note of the cooperation between the United Nations Development Programme (UNDP) and the Office of the High Commissioner in providing technical assistance, at the request of States, in the promotion of the rule of law. In the same resolution, the Assembly encouraged the United Nations High Commissioner for Human Rights to continue the dialogue between her Office and other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law; and requested the Secretary-General to submit a report to the Assembly at its fifty-fifth session on the implementation of the resolution.

2. In its resolution 1999/74, the Commission on Human Rights encouraged the High Commissioner to pursue consultations between her Office and other organs and agencies of the United Nations with a view to obtaining increased financial assistance for human rights and the rule of law.

II. Assistance provided by the Office of the United Nations High Commissioner for Human Rights

3. In accordance with General Assembly resolutions 48/141 of 20 December 1993, 52/125 of 12 December 1997 and 53/142, the High Commissioner has principal responsibility within the United Nations system for providing advisory services and technical and financial assistance with a view to supporting actions and programmes in the field of human rights and that the Office of the High Commissioner is the focal point for coordinating system-wide attention to human rights, democracy and the rule of law.

4. The technical cooperation programme of the Office of the High Commissioner has been developed to respond to requests from States seeking to strengthen the rule of law and, thereby, to secure the effective enjoyment of all human rights. The programme content remains focused mainly on the elements in the framework for strengthening the rule of law set out in the report of the Secretary-General to the General Assembly at its forty-ninth session (A/49/512, para. 5).

5. The number of States requesting assistance for fortifying and consolidating the rule of law has increased significantly in recent years and can be considered an indicator of the growing awareness of the importance of the rule of law. As at 30 April 2000, there were 47 ongoing technical cooperation projects administered by the Voluntary Fund for Technical Cooperation in the Field of Human Rights, at least 30 of which were providing support to activities related to strengthening the rule of law.

III. Programme content

6. The technical cooperation programme supports Governments, at their request, in promoting and protecting all human rights at the national and regional levels by incorporating international human rights standards into national laws, policies and practices and by building sustainable national capacities to implement those standards and ensure respect for human rights.

7. The programme is offering assistance in a wide range of areas to some 30 different countries. The assistance includes support for reporting human rights treaties; the development and implementation of national plans of action; the establishment and strengthening of national institutions; assistance for constitutional and legislative reform, administration of justice, elections and national parliaments; training for police, armed forces and prison personnel; and the promotion of human rights education. Increasingly non-governmental organizations and civil society organizations are involved both in implementation and in receiving training.

IV. National human rights institutions

8. The technical cooperation programme and its national partners have long recognized that such institutions are capable of making a valuable contribution to the proper functioning of the rule of law, complementing with expertise and constitutionally mandated vigilance the crucial roles of the judiciary, the legislature, the executive and non-governmental organizations.

9. Activities carried out by the Office of the High Commissioner in support of national institutions can be divided into two areas: providing practical advice and assistance to those involved in the establishment of new national institutions or the strengthening of existing ones; and facilitating the holding of international and regional meetings of national institutions. In the past year, for example, assistance was provided for the holding of regional forums in Asia and the Pacific and a global meeting in Morocco.

10. Establishing an appropriate constitutional or legislative foundation for any new national human rights institution is of primary importance. It is essential that the institution is able to respond adequately to the needs of the community that it is to serve. In the period 1999-2000, the Office of the High Commissioner provided advice, assistance and information, upon request, to 30 Governments in the process of establishing national human rights institutions. Advice or material was provided to 10 recently established national human rights institutions.

11. The Office of the High Commissioner continues to provide assistance to recently established institutions. The technical cooperation project with the Moldovan Centre for Human Rights continued, as did the multiparty initiative with the Georgian Public Defender's Office. A technical cooperation project relating to the Ugandan Human Rights Commission is well under way. In addition, a technical cooperation initiative regarding the Madagascar National Commission on Human Rights is proceeding as planned. The Office of the High Commissioner also continues to act as the secretariat for the work of the International Coordinating Committee of National Human Rights Institutions and therefore works with many of its members.

V. Programme methodology

12. Projects are formulated and implem broadest possible participation of all society, including the judicial, legislative branches of Government, as well as civi national institutions, and in close coopera United Nations entities present in concerned. Assistance may take the form advisory services, training courses, wo seminars, fellowships, grants or info documentation.

13. The technical cooperation pro developed through established proced include the following main phases:

(a) *Needs assessment*. The needs phase includes an examination of t particular institutional needs, priorities a for human rights, democracy and the rule into account recommendations by th United Nations human rights organs and assessment team meets with all interested governmental and non-governmental, Nations and other agencies and organizat in activities related to human rights and c relevant documentation and legislation g resulting report contains an analysis and a the identified needs and the proposals fo provides a framework for developing po technical cooperation activities.

(b) *Project formulation*. The form technical cooperation project is an outc priorities identified and the availability Through dialogue the project is define limits of the programme's mission, objectives, priorities and financial re additional information is necessary discussions are needed to refine the proje project formulation mission may take p formulation entails clearly identifying t human rights context and background; rights needs or problems to be addresse offered by the project; target beneficiarie indirect); and long-term and immediate the project, results, output, activities, input also entails identifying and developing i measuring the impact;

(c) *Project monitoring*. Project monitoring is carried out throughout the duration of the project by desk officers, the Project Review Committee and periodic monitoring missions involving broad consultations with all national and international counterparts. Project monitoring involves an examination of the strategy pursued in the project and ensures that any adjustment needed to meet the project objectives and the human rights needs of the country will be made;

(d) *Project evaluation*. Once a project is completed, an evaluation is carried out by independent consultants, who assess the effectiveness, efficiency and sustainability of the project activities and results. That is to ensure that the lessons learned are applied in the design and implementation of future projects, both in the country concerned and elsewhere.

VI. Selected country examples

14. The technical cooperation projects of the Office of the High Commissioner in South Africa and in the West Bank and the Gaza Strip illustrate the efforts made to strengthen the rule of law. Since August 1997, the Office of the High Commissioner has been providing assistance to the Government of South Africa aimed at strengthening the rule of law in order to support the country's transition process. The project provides assistance to the South African Human Rights Commission for the development and implementation of a national plan of action. Activities include the provision of specialized training and advice to the South African police, the correctional services, the defence force, magistrates and prosecutors and the judicial inspectorate, as well as the provision of training and assistance on reporting under the human rights treaties to a large number of concerned departments, non-governmental organizations and public institutions.

15. Since 1994, the Office of the High Commissioner has worked in the West Bank and the Gaza Strip to support the efforts of the Palestinian Authority in a broad range of activities related to strengthening the rule of law. The project is aimed at the development of a national policy on the rule of law, including the development of a national plan of action, the strengthening of rule of law institutions and the development and consolidation of Palestinian laws. Activities include the provision of the following: training for law enforcement personnel, civil servants of the Palestinian Authority and political parties; advisory services on law reform in the areas of prison, judicial authority, juvenile justice and prosecutorial legislation; and assistance to the Palestinian Independent Commission for Citizens' Rights. The project is being carried out in close cooperation with the Palestinian Authority, local non-governmental organizations, the Palestinian judiciary, the Palestinian Independent Commission for Citizens' Rights and other partners.

VII. Increasing system-wide coordination

16. In an effort to bridge the gap between the increasing number of requests for technical assistance and the limited resources, the High Commissioner is undertaking to integrate human rights throughout the work of the United Nations system, thus involving United Nations partners in technical cooperation projects in areas relating to human rights, democracy and the rule of law.

17. Following the recommendation of the Secretary-General in his report entitled "Renewing the United Nations: a programme for reform" (A/51/950 and Add. 1-7), the High Commissioner, in cooperation with agencies and programmes of the United Nations system, undertook an analysis of technical assistance provided by United Nations entities in areas related to human rights in order to formulate proposals for the improvement of both the complementarity of action and responses to the needs of Member States.

18. The analysis led to the following central conclusions: the interest of Member States in technical assistance in areas related to human rights continues to increase, thus requiring a system-wide response; an increasing number of agencies and programmes offer assistance related to human rights, including in the areas of sustainable development, the rule of law and good governance; all agencies and programmes share the conviction that technical cooperation in the field of human rights requires close system-wide cooperation, exchange of information and expertise and more systematic coordination in order to fully utilize the existing potential.

19. According to the analysis, the High Commissioner should convene workshops at the

regional level involving United Nations partners active in human rights. The workshops should: develop policies and practical measures to ensure a consistent approach to human rights; develop an appropriate methodology of work and cooperation; and increase capacities to provide human rights assistance, to make more efficient use of available resources and to provide effective responses to actual needs on the ground. Through the inter-agency process, a programme for the implementation of the recommendations has been developed.

20. There has been particularly close cooperation with UNDP, based on a memorandum of understanding concluded in March 1998. The joint programme on human rights strengthening, initiated in April 1999, is aimed at testing guidelines and methodologies and identifying best practices and learning opportunities in the development of national capacities for the promotion and protection of human rights and in the application of a human rights approach to development programming. The programme on human rights strengthening is also the first practical pilot programme to test the role of the Office of the High Commissioner as a catalyst in integrating human rights into the work of the United Nations system. Activities are currently under way or proposed in Brazil, Cape Verde, the Dominican Republic, Jordan, Lithuania, Mongolia, Nepal, the Republic of Moldova and Ukraine.

21. At the same time, the Office of the High Commissioner is working with other agencies and programmes in the United Nations system to integrate attention to human rights, democracy and the rule of law in the processes and instruments developed in the context of the United Nations reform and, in particular, the United Nations Development Assistance Framework and the common country assessment. The Office of the High Commissioner is thus increasingly acting as a catalyst by helping other United Nations agencies and programmes to include in their work attention to institution-building in the area of the rule of law. The Office of the High Commissioner also seeks to serve as a conduit between the United Nations human rights bodies that are based on international treaties and the Charter of the United Nations on the one hand and the operational agencies and programmes on the other. In that way, system-wide capacities for furthering the maintenance of the rule of law are being enhanced while continuing to be linked to and based upon United Nations standards and norms.

VIII. Policy

22. The policy of the High Commissioner is to give priority to assisting developing countries (in particular the least developed countries), focusing on countries in transition to democracy. Recommendations made by the United Nations human rights treaty bodies, by the Commission on Human Rights and its mechanisms, including the representatives of the Secretary-General, the special rapporteurs on thematic or country situations and the various working groups, and by the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights are also important factors in determining possible assistance to be provided by the Office to Member States at their request.

23. Assistance in the area of the rule of law features prominently among the technical cooperation activities, as do the integration of human rights within the United Nations system, the advancement of economic, social and cultural rights and promotion of the right to development.